



Docket No.: 239954US2

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

GREGORY J. MAIER  
(703) 413-3000  
GMAIER@OBLON.COM

SURINDER SACHAR  
(703) 413-3000  
SSACHAR@OBLON.COM

RE: Application Serial No.: 10/612,926

Applicants: Fujita TAKASHI, et al.

Filing Date: July 7, 2003

For: TRANSFER FIXING APPARATUS, FIXING  
APPARATUS, TONER IMAGE FORMING  
APPARATUS, METHOD, AND RECORD MEDIUM  
RECYCLED METHOD

Group Art Unit: 2852

Examiner: Brase, S.L.

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 25,599

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

Surinder Sachar

Registration No. 34,423

I:\ATTY\SNS\23's\239954\REST RESP DUE 101504 CVR.DOC

1940 DUKE STREET ALEXANDRIA, VIRGINIA 22314 U.S.A.  
TELEPHONE: 703-413-3000 FACSIMILE: 703-413-2220 WWW.OBLON.COM



DOCKET NO: 239954US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :  
FUJITA TAKASHI, ET AL. : EXAMINER: BRASE, S.L.  
SERIAL NO.: 10/612,926 :  
FILED: JULY 7, 2003 : GROUP ART UNIT: 2852

FOR: TRANSFER FIXING APPARATUS, FIXING APPARATUS, TONER IMAGE  
FORMING APPARATUS, METHOD, AND RECORD MEDIUM RECYCLED METHOD

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction/Election requirement of September 15, 2004, applicants elect, with traverse, the invention of Group I. Within Group I applicants elect Species I, and identify Claims 2-6 as reading on the elected species.

Applicants traverse the outstanding Restriction/Election requirement on the grounds that it has not been established that it be an undue burden to examine each of the noted inventions and claims together.

Under M.P.E.P. § 803, a Restriction/Election is not proper if a search and examination can be made without a serious burden on the Examiner, and the outstanding Restriction/Election requirement has not established that examining each of the currently-pending claims together would result in an undue burden.

M.P.E.P. § 803 specifically states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The outstanding Restriction/Election requirement has not established that each of the claims could be examined without an undue burden, and thus each of the noted inventions and claims should be examined on their merits.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

---

Gregory J. Maier  
Registration No. 25,599  
Surinder Sachar  
Registration No. 34,423  
Attorneys of Record



22850

Tel.: (703) 413-3000  
Fax: (703) 413-2220

GJM/SNS/jrs

I:\ATTY\SNS\23's\239954\239954US-REST RESP DUE 101504.DOT